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Clerk, U.S. Dist. Court
W. Dist. of N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N. C.
MAY 19 2005

U.S. DISTRICT COURT
W. DIST. OF N. C.

DAVID E. SPARKS,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

CIVIL NO. 1:05CV43

**CONSENT ORDER WITH REMAND
PURSUANT TO SENTENCE SIX OF 42 U.S.C. § 405(g)**

The United States of America has moved this Court, pursuant to sentence six of 42 U.S.C. §405(g), to remand this cause for further administrative proceedings.

On remand to the Commissioner, the Administrative Law Judge, ("ALJ") will 1) reconsider the severity of Plaintiff's impairment in light of the treating, examining and reviewing source opinions as well as the record of the subsequent allowance, and 2) obtain medical expert evidence to assist in determining his onset date pursuant to Social Security Ruling 83-20.

Pursuant to the power of this Court to remand this claim for further action under sentence six of 42 U.S.C. §405(g), and in light of the Commissioner's and Plaintiff's request to remand this action for further proceedings, this Court hereby:

REVERSES the Commissioner's decision under sentence six of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. No judgment shall be entered in this matter at this time.

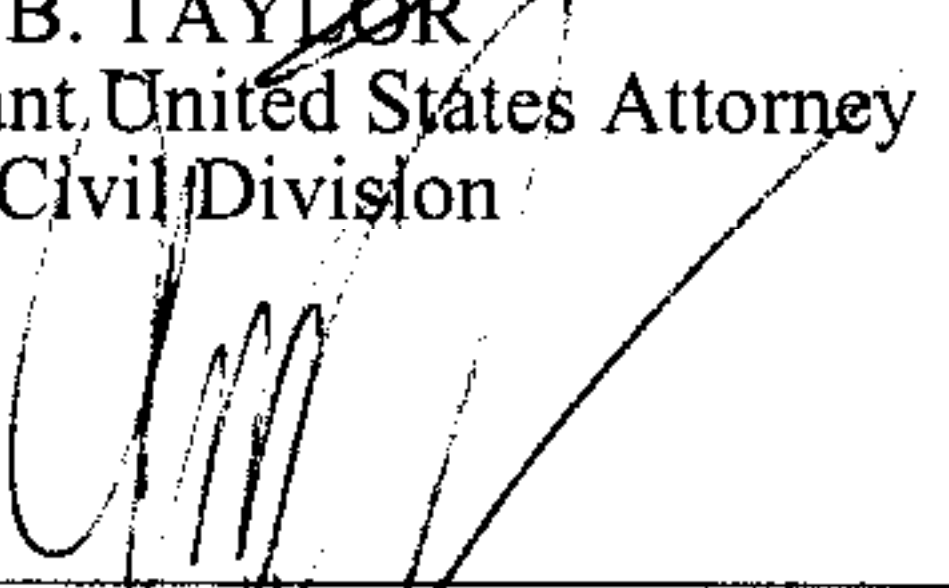
This the 18th day of May, 2005.



LACY H. THORNBURG
UNITED STATES DISTRICT COURT JUDGE



PAUL B. TAYLOR
Assistant United States Attorney
Chief, Civil Division



CHARLES E. BINDER
Counsel for Plaintiff (David E. Sparks)